

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOHN DOE

PLAINTIFF

V.

CIVIL ACTION NO. 3:18-cv-63-DPJ-FKB

**THE UNIVERSITY OF MISSISSIPPI; STATE
INSTITUTIONS OF HIGHER LEARNING (“IHL”);
TRACY MURRY, INDIVIDUALLY AND IN HIS
OFFICIAL CAPACITY; HONEY USSERY,
INDIVIDUALLY AND IN HER OFFICIAL CAPACITY;
STATE OF MISSISSIPPI, and DOES 1-5.**

DEFENDANTS

DEFENDANTS’ MOTION TO FILE EXHIBITS UNDER SEAL

Pursuant to Local Uniform Rule 79(e), reserving all rights and defenses, Defendants respectfully request that the Court’s permission to file certain exhibits to their Supplemental Response to Plaintiff’s Motion for Preliminary Injunction under seal. In support of their Motion, Defendants state as follows:

1. This case involves an allegation that Plaintiff John Doe violated the University of Mississippi’s sexual misconduct policy.
2. The Court has already ruled that, because of the nature of the suit and the underlying allegations, Plaintiff should be able to proceed pseudonymously and the complainant’s identity should also be shielded.
3. Defendants have filed a Supplemental Response to Plaintiff’s Motion for Preliminary Injunction. Certain exhibits to this Supplemental Response identify both John Doe, Jane Roe, as well as other students. Each of these exhibits contains documents marked “Confidential” under the terms of the Protective Order the Court has already entered [Doc. 74].
4. Filing Defendants’ exhibits under seal is the best way to protect the identities of Doe, Roe, and other students.

5. Defendants' Supplemental Response need not be filed under seal because they do not identify Doe, Roe, or other students.

6. In light of the nature of the present request, Defendants request that they be relieved from filing an accompanying memorandum under Local Uniform Civil Rule 79(e)(4). While Defendants do not intend to submit a confidential memorandum, they will separately provide the exhibits to the Court for in camera review if the Court so desires.

FOR THESE REASONS, Defendants respectfully request that the Court allow them to file Exhibits "A" to the Supplemental Declaration of Rebecca Bressler (Exhibit "9" to the Supplemental Response) and Exhibit "A" to the Supplemental Declaration of Honey Ussery (Exhibit "10" to the Supplemental Response) under seal. Defendants request such other relief as the Court deems appropriate under the circumstances.

THIS, the 13th day of August, 2018.

Respectfully submitted,

**STATE OF MISSISSIPPI; THE UNIVERSITY OF
MISSISSIPPI; STATE INSTITUTIONS OF HIGHER
LEARNING; THE BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING; C.D.
SMITH, JR.; SHANE HOOPER; TOM DUFF; DR.
FORD DYE; ANN H. LAMAR; DR. ALFRED E.
MCNAIR, JR.; CHIP MORGAN; HAL PARKER;
ALAN W. PERRY; CHRISTY PICKERING; DR. DOUG
ROUSE; DR. J. WALT STARR; GLENN F. BOYCE;
JEFFREY S. VITTER**

/s/ Paul B. Watkins, Jr.

J. CAL MAYO, JR. (MB NO. 8492)
PAUL B. WATKINS, JR. (MB NO. 102348)
J. ANDREW MAULDIN (MB NO. 104227)
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CERTIFICATE OF SERVICE

I, Paul B. Watkins, Jr., one of the attorneys for Defendants, do certify that I have electronically filed this document in the ECF system with the Clerk of the Court which sent notification of the filing to all attorneys of record.

THIS, the 13th day of August, 2018.

/s/ Paul B. Watkins, Jr.
PAUL B. WATKINS, JR.